

☐ UNCLASSIFIED ☐ INTERNAL Approved For Release 2004/07/08 : CIA-RDP81M00980R001200020016-0

PRIORITY

ROUTING AND RECORD SH

Form No. 160 Use Previous Editions
1 Dec 56

(13)

SUBJECT: (Optional)

FROM:

Acting DDA
7D-24, Hqs.

STAT

STAT

EXTENSION

NO.

DDA 78-4178/1

DATE

6 NOV 1978

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

Legislative Counsel

2.

3.

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OLC-78-5445
Forwarded for your use in preparing the DCI's response to Senator Proxmire's letter regarding Agency use of vehicles is a draft letter and a fact sheet patterned after the 1977 response. The figures have been updated and I have checked with Jim Harris of OGC to ensure that no changes in the statutes and regulations have occurred.

Would you kindly forward a copy of the final response to the Office of Logistics as well as this office.

STAT

Michael J. Malanick

Atts: a/s

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STAT

Honorable William W. Proxmire, Chairman
Subcommittee on Priorities and Economy in
Government
Joint Economic Committee
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your letter of 26 October 1978 regarding the use of official vehicles by the Central Intelligence Agency. I am enclosing a fact sheet which I believe is fully responsive to your queries. The paragraphs are numbered to correspond with the numbers of the questions in your letter.

You will find that the justifications cited for use of Government-owned vehicles by the Deputy Director of Central Intelligence (DDCI) and myself primarily relate to [REDACTED] protection against possible threats to personal safety and communications efficiency. An additional benefit derived is the extension of the normal workday permitted the DDCI and me through such use.

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I will be pleased to provide any additional information you might need to satisfy your concerns.

Yours sincerely,

STANSFIELD TURNER

Enclosure

FACT SHEET

1. The only Agency officials driven to and from home are the Director of Central Intelligence (DCI) and the Deputy Director of Central Intelligence (DDCI).

2. Other than the officers noted above, no vehicle is assigned to any one individual for his or her exclusive use.

3. The relevant provisions of 31 U.S.C. 638a(c) provide:

Unless otherwise specifically provided, no appropriation available for any department shall be expended--...

*

*

*

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned....

Section 101-39.602-1 of the Federal Property Management Regulations (41 CFR 101-39.602), promulgated pursuant to the cited section, states:

(a) Officers and employees of the Government shall use Government-owned or leased vehicles for official purposes only. "Official purposes" does not include transportation of an officer or employee between his place of residence and place of employment, unless authorized under the provisions of 31 U.S.C. 638a(c)(2), or other applicable law.... (Emphasis added.)

Both the statute and regulations recognize the possibility of the existence of other statutory authority which may provide for the provision of transportation notwithstanding the prohibition contained in 31 U.S.C. 638a. We believe such authority is contained in the CIA Act of 1949, as amended, at section 8(a). (50 U.S.C. 403j). The pertinent language states:

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5. The cost of chauffeurs of these vehicles, including overtime pay, for the past 12 months was:

DCI : Salary, \$14,622; Overtime, \$12,322; Total: \$26,944
DDCI: Salary, \$15,538; Overtime, \$11,423; Total: \$26,961

6. The cost of these vehicles, including maintenance, repair, gas and oil, was:

DCI : 1977 Chevrolet driven 14,200 miles at a total cost of \$1,020.

DDCI: 1976 Chevrolet driven 10,688 miles at a total cost of \$1,004.

NOTE: In addition to the above-mentioned primary vehicles, there are two vehicles for use by the above-named officials when the primary vehicle is out of service. When not being used for the DCI or DDCI, these backup vehicles are used for normal official business of the Agency. The cost of these backup vehicles was:

DCI backup : 1973 Chevrolet driven 4,762 miles at a total cost of \$230.

DDCI backup: 1972 Chevrolet driven 1,232 miles at a total cost of \$579.

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EXECUTIVE SECRETARIAT (O/DCI)

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	DD/RM				
4	DD/NFA				
5	DD/CT				
6	DD/A	X			
7	DD/O				
8	DD/S&T				
9	GC		X		
10	LC	X			
11	IG				
12	Compt				
13	D/PA				
14	D/EE0				
15	D/Pers				
16	AO/DCI				
17	C/IPS				
18					
19					
20					
21					
22					

SUSPENSE DATE: 7 November for final DCI reply

Remarks:

To 6: Please provide draft response to LegCounsel by 6 November.

STAT

Executive Secretary
30 October 1978

Date

2637 (4-78)

5) What is the annual cost of the chauffeur vehicles, including their overtime pay?

STON, IND.
LONG, LA.
PIKE, N.Y.
LAWRENCE J. BROWN, OHIO
CARRIE BROWN, MICH.
MARGARET M. HECKLER, MASS.
JOHN H. ROUSSELOT, CALIF.
JOHN R. STARK,
EXECUTIVE DIRECTOR

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JOINT ECONOMIC COMMITTEE

(CREATED PURSUANT TO SEC. 1(A) OF PUBLIC LAW 104, 78TH CONGRESS)

WASHINGTON, D.C. 20510

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ABRAHAM RIMCOFF, CONN.
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ORRIN G. HATCH, UTAH

October 26, 1978

Executive Registry
78-3740
<i>not done</i>

CB/A Registry
78-4178

Admiral Stansfield Turner
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Admiral Turner:

Title 31, Section 638a of the U.S. Code states that government automobiles may only be used for "official purposes" and that "official purposes" does NOT include being driven to and from home. In addition, cars may not be assigned for the exclusive use of officials. There are some exceptions to the law, namely the President, THE Secretary of a Department (not under secretaries, heads of agencies, boards, etc.), doctors on out-patient duty, individuals on field service great distances from their offices, etc.

I would therefore like to make the following inquiries about the use of cars under your jurisdiction.

- 1) What officials by title, if any, are driven to and from home?
- 2) To what officials is a car assigned for his or her exclusive use?
- 3) If an official is driven to and from home, in view of Title 31, Section 638a, what is the specific legal justification for the practice? Please cite the precise language of the law.
- 4) If any official not exempted by Title 31, Section 638a is driven to and from home, how is the practice justified in view of the energy shortage and the fact that such a practice means four trips a day instead of two trips a day?
- 5) What is the annual cost of the chauffeurs or drivers of such vehicles, including their overtime pay?

Page 2

6) What is the annual cost of the vehicle in terms of depreciation, maintenance, gas, oil, etc?

I would appreciate an early and prompt reply. It is my intention to make the replies a part of the public record.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Proxmire".

William Proxmire
Chairman, Subcommittee on
Priorities and Economy in
Government, Joint Economic Committee